

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROY HIGHTOWER,**

*Plaintiff,*

**v.**

**STATE OF ALABAMA, *et al.*,**

*Defendants.*

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**CIVIL ACTION NO.  
07 cv 558-MHT**

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**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on **July 30, 2007**, by telephone and was attended by:

A. Appearing on behalf of Plaintiff:

Russell W. Adams, Esq.  
WIGGINS CHILDS QUINN & PANTAZIS, P.C.  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, AL 35203-3204  
(205) 314-0500

B. Appearing on behalf of Defendants:

State Personnel Department and Jackie Graham, Director of the State Personnel Department

Alice Ann Byrne, Esq.  
STATE PERSONNEL DEPARTMENT  
64 North Union Street ~ Suite 316  
Folsom Administrative Bldg.  
Montgomery, Alabama 36130  
(334) 242-3451

Department of Corrections and Richard F. Allen, Commissioner:

Warren B. Lightfoot, Jr., Esq.  
MAYNARD COOPER & GALE, PC  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, AL 35203

(205) 254-1000

2. **Initial Disclosures.** The parties will exchange by **August 15, 2007**, the information required by Fed.R.Civ.P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: The Plaintiff's allegations and the Defendant's defenses.

All discovery shall be commenced in time to be completed by **October 24, 2008**.

**Interrogatories:** Maximum of 25 Interrogatories by each party, including sub-parts, with responses due with 30 days after service.

**Requests for Production:** Maximum of 50 Requests for Production by each party, including sub-parts, with responses due within 30 days after service.

**Requests for Admissions:** Maximum of 15 Requests for Admission by each party to any other party, with responses due 30 days after service.

**Depositions:** Maximum of ten depositions by the Plaintiff and ten by the Defendant. Each deposition limited to a maximum of seven hours unless extended by agreement of parties.

**Expert Witnesses:** The parties shall comply with the following deadlines in regard to experts under Rule 26(a)(2):

Plaintiff's experts will be disclosed by **May 7, 2008**.

Plaintiff's experts' reports will be due by **May 7, 2008**.

Defendant's experts will be disclosed by **June 4, 2008**.

Defendant's experts' reports will be due by **June 4, 2008**.

**Supplementations:** Supplementations under Rule 26(e) due within 30 days of learning of the need to supplement, but, in no event, less than 30 days before the close of discovery.

4. **Other Items.**

A. The Plaintiff shall have until **March 10, 2008**, to join any additional parties and to amend the pleadings.

B. The Defendant shall have until **April 4, 2008**, to join any additional parties and to amend the pleadings.

C. The parties do not request a conference with the Court before entry of the Scheduling Order.

D. The parties request a pretrial conference 30 days after a ruling on dispositive motions or 30 days after the deadline for filing dispositive motions, whichever is later.

E. All potentially dispositive motions must be filed by **September 29, 2008**.

F. Settlement cannot be evaluated before the completion of discovery.

G. Final lists of trial witnesses and exhibits under Rule 26(a)(3) should be due from the Plaintiff 30 days prior to trial and from the Defendant 30 days prior to trial.

H. Parties should have ten days after service of final lists of witnesses and exhibits to list objections under Rule(a)(3).

I. The case should be ready for trial by **December 1, 2008**. Trial is expected to last two days.

Respectfully submitted this 30<sup>th</sup> day of July, 2007.

/s/ Russell W. Adams  
RUSSELL W. ADAMS (ASB 3760-A62R)  
Attorney for Plaintiff

Address of Counsel:  
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/s/ Alice Ann Byrne

ALICE ANN BYRNE (BYR 015)  
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/s/ Warren B. Lightfoot, Jr.

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